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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,472	02/26/2002	Christer O. Andreasson	263/291	4874
34313	7590	10/09/2003	EXAMINER FUREMAN, JARED	
ORRICK, HERRINGTON & SUTCLIFFE, LLP 4 PARK PLAZA SUITE 1600 IRVINE, CA 92614-2558			ART UNIT 2876	PAPER NUMBER

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/085,472	ANDREASSON ET AL.
Examiner	Art Unit	
Jared J. Fureman	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
 5) Claim(s) ____ is/are allowed.
 6) Claim(s) 1-27 is/are rejected.
 7) Claim(s) ____ is/are objected to.
 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 26 February 2002 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 11) The proposed drawing correction filed on ____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>07032003</u> . | 6) <input type="checkbox"/> Other: ____ . |

DETAILED ACTION

Receipt is acknowledged of the IDS, filed on 7/3/2003, which has been entered in the file. Claims 1-27 are pending.

Claim Objections

1. Claim 6 is objected to because of the following informalities: Claim 6, line 3: --product— should be inserted after “medical”, in order to clarify the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Wan et al (US 6,539,281 B2).

Wan et al teaches an apparatus and method for tracking/monitoring medical products (medication 418), each of the medical products having a Radio Frequency Identification (RFID) tag (label 420) uniquely associated therewith, the apparatus comprising: a casing/medication dispensing unit (cabinet 200) comprising a compartment (medication storage area 414) for receiving one or more medical products therein; a reader (sensor 422) for reading the RFID tags associated with the medical

products in the compartment; and a processor (computer 204) coupled to the reader for receiving and processing readings of the RFID tags in the compartment to identify the medical products in the compartment; wherein the processor identifies a medical product removed from the compartment by determining a difference between readings of the RFID tags in the compartment taken before and after the medical product is removed from the compartment; identifying a patient (identify user, see step 700 of figure 7); wherein the processor verifies that the medical product removed from the compartment is authorized to be removed by comparing a product identifier associated with the RFID tag of the removed medical product to a product identifier of a medical product authorized to be removed from the compartment (authorized for a specific user, for example, see step 706 of figure 7); wherein the product identifier comprises a product name; further comprising a display (display 202 or 402) coupled to the processor, and wherein the processor displays a mismatch notification on the display when the processor detects a mismatch between the product identifier read from the RFID tag of the removed medical product and the product identifier of the medical product authorized to be removed (step 708 in figure 7, for example); wherein the mismatch notification comprises the product identifier read from the RFID tag of the removed medical product and the product identifier of the medical authorized to be removed; wherein the apparatus includes a single reader for reading the RFID tags of all medical products in the casing (see column 7, lines 28-30); wherein the casing comprises a plurality of compartments (different shelves within the medication storage area 414, for example, see figure 4), and wherein the reader comprises a plurality of

readers for reading the RFID tags of medical products in respective compartments (figure 4 shows a plurality of readers 422); further comprising an input device (camera 406 for facial recognition, or fingerprint detection equipment 426, for example) coupled to the processor for identifying a patient to be associated with one or more medical products being removed from the compartment; further comprising a return compartment for returning unused medical products, and a reader for reading an RFID tag of any returned medical product placed in the return compartment, the processor coupled to the reader for identifying the returned medical product (unused medication may be returned to the compartment(s) and the return will be detected by sensors 422 and 424); sending a notice that the intended patient did not receive the returned medical product (for example, the weight sensor 424 will detect that the amount of medication did not change, and send a message to the computer 204 indicating the amount of medication remaining); further comprising transmitting an inventory notice from the dispensing unit when a quantity of RFID tags stored within the dispensing unit falls below a threshold (steps 710 and 711 of figure 7); (see figures 2-7, column 1 line 62 - column 2 line 15, column 2 line 37 - column 3 line 5, column 3 line 30 - column 4 line 5, column 4 lines 19-26, column 5 line 21 - column 6 line 5, column 6 lines 24-67, column 7 line 9 - column 9 line 18).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mase (US 6,532,399 B2), Broadfield et al (US 6,338,007 B1), Lipps (US 6,272,394 B1), Arnold et al (US 6,151,536), Michael et al (US 6,073,834),

Yuyama et al (US 5,930,145), Higham et al (US 5,805,456), Halvorson (US 4,847,764), Holmes et al (US 2001/0032035 A1), and Rambaugh et al (WO 2003/048919 A1, abstract and clipped image from Derwent database) all teach systems and methods for tracking medical products.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (703) 305-0424. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

September 29, 2003

Jared J. Fureman
Jared J. Fureman
Art Unit 2876